

Complaints

Policy

USDA Federal Regulations:

(b) *Complaints.* Persons seeking to file discrimination complaints should write to USDA, Director, Office of Adjudication and Compliance, 1400 Independence Avenue, SW. Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). All complaints received by State or local agencies which allege discrimination based on race, color, national origin, or age shall be referred to the Secretary of Agriculture or Director, Office of Equal Opportunity. A State or local agency may process complaints which allege discrimination based on sex or handicap if grievance procedures are in place.

USDA Federal Regulations:

(o) *Participant parent/caretaker, proxy, vendor, farmer, farmers' market, and home food delivery contractor complaints.* The State agency must have procedures to document the handling of complaints by participants, parents or caretakers of infant or child participants, proxies, vendors, farmers, farmers' markets, home food delivery contractors, and direct distribution contractors. Complaints of civil rights discrimination must be handled in accordance with §246.8(b).

FNS Instruction 113:

A All complaints alleging discrimination on the basis of race, color, national origin, age, sex, or disability, either written or verbal, must be processed within the time frames established by Departmental regulations and agreements.

FNS Instruction 113:

1 Right to File. Any person or representative alleging discrimination based on a prohibited basis has the right to file a complaint within 180 days of the alleged discriminatory action. Only the Secretary of Agriculture may extend this time under special circumstances. The complainant must be advised of confidentiality and Privacy Act applications. The complainant and the entity that the complaint is filed against will be encouraged to resolve the issue at the lowest possible level and as expeditiously as possible.

2 Acceptance. All complaints, written or verbal, must be forwarded to the appropriate Regional or FNS OCR Director, unless an approved State complaint procedure is in place. Anonymous complaints will be handled as any other complaints, to the extent feasible, based on available information.

3 Forms. FNS Headquarters and Regional OCR, State agency, local agency, or other subrecipient may develop complaint forms, but the use of such forms must not be a prerequisite for acceptance of a complaint. It is encouraged that complaint form format be collaboratively developed and coordinated among FNS, State agency, local agency, and/or other subrecipients.

4 Verbal Complaints. In the event a complainant makes the allegations verbally or in person and refuses or is not inclined to place such allegations in writing, the person to

whom the allegations are made must write up the elements of the complaint for the complainant. Every effort should be made to have the complainant provide the following information:

- a Name address, and telephone number or other means of contacting the complainant.
- b The specific location and name of the State agency, local agency, or other subrecipient delivering the service or benefit,
- c The nature of the incident or action that led the complainant to feel discrimination was a factor, and an example of the method of administration that is having a disparate effect on the public, potential eligible persons, applicants, or participants,
- d The basis on which the complainant believes discrimination exists. The bases for nondiscrimination are race, color, national origin, age, disability or sex.
- e The names, telephone numbers, titles, and business or personal addresses of persons who may have knowledge of the alleged discriminatory action, and
- f The date(s) during which the alleged discriminatory actions occurred or, if continuing, the duration of such actions.

FNS Instruction 113-1

1 Prominently display the USDA nondiscrimination poster “And Justice for All” or an FNS approved substitute,...

Authority

USDA Federal Regulations: 7 CFR Part 246.8 (b)

USDA Federal Regulations: 7 CFR Part 246.12 (o)

FNS Instruction 113: XV Complaints of Discrimination, A, excerpt

FNS Instruction 113: XV Complaints of Discrimination, C, 1 – 4, excerpt

FNS Instruction 113-1: IX (B)(1), excerpt

Procedures

All verbal and written complaints by applicants or participants alleging discrimination must be accepted. See pages 3 and 4 for addresses to file complaints.

And Justice for All Poster

The *And Justice For All* poster must be displayed prominently in all WIC clinics to remind participants of the procedure for filing a complaint. Posters must be displayed at a minimum at entrances WIC participants may enter and in waiting areas.

Note: Contact the State WIC Office to order *And Justice for All* posters. *And Justice for All* posters can be found in multiple languages and can be viewed for reference at the following website: <https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations>. The posters in different languages can be printed from this website on at least 8 ½ x 11” sized paper

and when displayed should be displayed next to the English/Spanish poster. The English/Spanish posters cannot be printed or copied.

Agency or vendor complaints

WIC contract agencies or vendors who feel they have been discriminated against by the state WIC office should follow the same complaint procedures as participants.

Complaint Forms

Use the following United States of Department of Agriculture (USDA) Program Complaint form when filing a complaint:

- English: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>.
- Spanish: https://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf

These forms can also be found in the Civil Rights Forms section and are titled “English USDA Program Discrimination Complaint Form” and “Spanish USDA Program Discrimination Complaint Form”.

The complaint should include:

- Complainant’s name, address, telephone number, or other means of contacting the complainant;
- Description of the incident, including the dates, class of complaint, policy or practice followed, and decisions involved;
- Name, address and telephone number of any legal representatives;
- Agency that made the decision or applied the policy;
- Basis(es) on which discrimination is alleged; and
- Name of the local and state WIC agency staff involved.
- Names, telephone numbers, titles, and business or personal addresses of persons who may have knowledge of the alleged discriminatory action.

Note: If the complainant makes the complaint verbally or in person and refuses or is not inclined to place the complaint in writing, the person to whom the complaints are made must write up the components of the complaint for the complainant.

Address for Complaints

All complaints must be forwarded to the USDA within five (5) calendar days of receipt. If the complaint is based on race, color, national origin, sex, age, or disability, or multiple factors including one of these then file a complaint with:

U.S. Department of Agriculture, Director
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue SW
Washington, DC 20250-9410
(866) 632-9992 (voice)
1-800-877-8339 (English) – Federal Relay Service or 1-800-845-6136 (Spanish)

Fax: (202) 690-7442

Email: program.intake@usda.gov

Other complaints including religion or political beliefs may also be forwarded to:

Iowa Department of Public Health
Affirmative Action Officer
Lucas Building
321 East 12th Street
Des Moines, IA 50319
(515) 281-7689

Iowa Civil Rights Commission
Grimes State Office Building
400 E. 14th Street
Des Moines, IA 50319-1004
515-281-4121
(800) 457-4416
Fax: 515-242-5840

Regional Office Notification

If the Affirmative Action Officer of the Iowa Department of Public Health receives notice of a discrimination complaint, based on race, color, national origin, sex, age, or disability, or multiple factors, notification is sent to the Regional Office of the Food and Nutrition Service.

Documenting Complaints

WIC clinics should create and maintain a Civil Rights Complaint folder that contains instructions about how to file complaints, complaint forms, and a copy of this policy. This folder must be available at all times, at all clinics, and all staff must know how to access this folder.

Note: Information about complaints or copies of complaints should not be filed in this folder or in the WIC data system.

Notification

When a Civil Rights complaint has been made, the local agency WIC Coordinator and your agency's Nutrition Consultant should be notified immediately.

Tracking and Documentation

The local agency WIC Coordinator must track and record the closure of Civil Rights complaints and must notify the local agency's nutrition consultant who will track and record the closure of the complaint on the State's Civil Rights Complaint Log.

Note: All complaints must be processed and closed within 90 days of receipt.